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December 16, 2011

By ECF

Hon. Douglas C. Palmer
Clerk of the Court
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11202

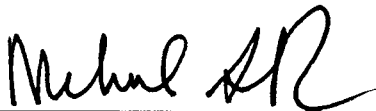
Re: City of New York, as Owner and Operator of the
M/V Andrew J. Barberi;
Index No. 03-CV-6049 (ERK) (VVP).

Dear Honorable Sir:

I represent the law firm of Torgan & Cooper, P.C., counsel to claimant James McMillan, Jr., in connection with the above-captioned case. We are in receipt of the Report and Recommendation of U.S. Magistrate Judge Viktor V. Pohorelsky, dated December 2, 2011.

While we do not object to the Report and Recommendation, we do reserve the right to submit, pursuant to Federal Rule of Civil Procedure 72(b)(2), responses to any objections that may be filed herein.

Respectfully submitted,

By: 
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